IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT: ERIC T. LAMBERT ET AL   )
) Group Art Unit: 3627
)
SERIAL NUMBER: 09/751,585   ) Examiner:
) Eric T. Lambert
FILED: December 29, 2000   )
)
FOR: METHOD AND SYSTEM FOR   ) Confirmation No. 8383
     ELECTRONICALLY QUALIFYING   )
     SUPPLIER PARTS   )

Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

In response to the Examiner's Answer mailed June 6, 2007, the Applicants submit the following reply as follows:

ARGUMENT

In the interest of facilitating Appellate review, the Appellants will respond to the issues addressed by the Examiner in the order and format presented in the Examiner's Answer.

The Examiner states, on page 4 of the Examiner's Answer dated June 6, 2007, that the Appellants' method claims 40-49 do not use or manipulate any of the list of databases claimed. The Examiner further contends that the method for facilitating part qualification functions as recited in Appellants' claim 40 does not require the list of databases. In support, the Examiner relies upon *Lincoln Engineering Co. v. Stewart-Warner Corp.*, 303 U.S. 545, 37 USPQ 1 (1938). However, the proposition that a rejection based upon an old combination, which in aggregation, perform or produce no new or different function or operation has been invalidated. "A claim should not be rejected on the ground of aggregation." *In re Gustafson*, 331 F.2d 905, 141 USPQ 585 (CCPA 1964). The statutory language is the only proper basis for an old combination rejection. *In re Bernhardt*, 417 F.2d 1395, 163 USPQ 611 (CCPA 1969). Accordingly, the Examiner's reliance upon the principle of "old combination" is in error.

Notwithstanding, the processes recited in the Appellants' method claim 40 *clearly manipulate the structural elements therein*, including the listing of databases. By way of example, claim 40 recites "creating a commodity template for a commodity...associated with a supplier part." The creating includes "entering requirements data for qualifying said commodity; *selecting at least one database in a part qualification repository for storing the requirements data.*" The databases include "a parts database receiving information from a commercial parts database; a technology survey database; a quality information network database; an archives database; and a system testing database." As described above, the commodity template is created and requirements data for qualifying the commodity are entered and stored in a designated database. The method then proceeds to recite *assigning a default viewing tool for qualifying the commodity __based upon the corresponding database selected__*, applying access restrictions associated with the commodity template, and sharing the requirements data among the databases. It is evident from the aforementioned application of method steps to the corresponding structural elements that the processes described therein manipulate the corresponding structural elements,

including the listing of databases. For at least this reason, the rejections of claims 40-49 are in error and should be reversed.

The Examiner's Answer further acknowledges Appellants' traversal of the Official Notice taken with respect to the databases recited in Appellants claims. The Examiner submits as evidence U.S. Patent No. 6,813,777 issued to Weinberger. The rejections based upon Weinberger are improper because the Examiner has relied on nonanalogous art in these rejections. See *In Re Wood*, 599 F2d 1032, 202 USPQ 171 (CCPA 1979). More specifically, the Examiner has relied on Weinberger, which is in the ***passenger entertainment system art***, in his rejection of the present invention, which is in the ***supplier parts qualification art***. A person of ordinary skill in the supplier parts qualification art would ***not*** look to the passenger entertainment system art to solve the problem treated by the claimed invention (i.e., a parts database receiving information from a commercial parts database; a technology survey database; a quality information network database; an archives database; and a system testing database). In addition, Weinberger does not deal with the same problem solved by the claimed invention. Weinberger is directed to providing "for a networked passenger entertainment system that integrates audio, video, passenger information...receive video, audio and game data for entertainment purposes, and communicate with other passengers and computers on- and off-board the aircraft, and which thereby provides for passenger selected delivery of content over a communication network" (Weinberger, Column 1, lines 16-27). By contrast, the present invention is directed to facilitating ***parts qualification processes relating to supplier participants***. In sum, Weinberger is not even remotely close to the field of technology of the claimed invention, nor does it deal with the same problem solved by the claimed invention. Thus, Weinberger is nonanalogous art, and the Examiner's reliance on Weinberger for allegedly teaching the Appellants' recited listing of databases is, therefore, improper. Accordingly, the Appellants submit that it is inappropriate to rely on Weinberger to suggest that the databases recited in Appellants' claim 40 are ***common knowledge in the art*** as suggested by the Examiner. For at least this reason, the rejections based upon Weinberger are improper, and should be reversed.

For at least the reasons advanced above, the Appellants submit that claims 40-71 patentably define over Ferriter, Ensel, Aycock, and Weinberger.

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 40-71 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(2) is enclosed herewith. If there are any additional charges with respect to this Reply Brief, or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,

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Date: August 6, 2007